

& Co. from Oakland, Calif., and charging that it was misbranded. The article was labeled in part: (Can) "Exquisite Sliced Yellow Cling Peaches * * * Distributed By Santa Cruz Fruit Packing Company * * * Oakland, California."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and its label failed to bear, as such regulations require, the name of the optional packing medium present in the food, light sirup.

On May 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

5210. Misbranding of canned pears and canned peaches. U. S. v. 130 Cases of Canned Pears and 168 Cases of Canned Peaches. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 9748, 9749. Sample Nos. 11240-F, 11261-F.)

On April 6, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 130 cases of canned pears and 168 cases of canned peaches at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about March 15, 1943, by the Safeway Stores, Inc., from Oakland, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Highway Brand Sliced Yellow Cling Peaches In Syrup [or "Harper House Halves Bartlett Pears"] * * * Distributed by Table Products Company, Oakland, California."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and its label failed to bear the name of the optional packing mediums present in such food, heavy sirup in the case of the canned pears, and light sirup in the case of the canned peaches.

On May 13, 1943, Safeway Stores, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5211. Adulteration of canned prune plums. U. S. v. 72 Cases of Canned Prune Plums. Default decree of condemnation and destruction. (F. D. C. No. 9755. Sample 30940-F.)

This product was affected with brown rot.

On April 6, 1943, the United States attorney for the Western District of Washington filed a libel against 72 cases of canned prune plums at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 16, 1943, by the Starr Fruit Products Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Real Brand Whole Unpeeled Purple Prune Plums in Syrup * * * Packed By Portland Canning Company, Inc. Portland, Oregon."

On August 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUIT

5212. Adulteration of dates. U. S. v. 50 Boxes of Dates. Default decree of condemnation and destruction. (F. D. C. No. 9802. Sample No. 14779-F.)

On April 14, 1943, the United States attorney for the Eastern District of Wisconsin filed a libel against 50 boxes of dates at Sheboygan, Wis., alleging that the article had been shipped in interstate commerce on or about April 5, 1943, by the Covalda Date Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, insects, larvae, insect excreta, and rodent hairs.

On May 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5213. Adulteration of dried peaches. U. S. v. 30 Boxes of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 10001. Sample No. 19328-F.)

On May 12, 1943, the United States attorney for the District of Massachusetts filed a libel against 30 25-pound boxes of dried peaches at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 1, 1942, by Guggenlime & Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, coal dust.

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5214. Adulteration of prunes. U. S. v. 33 Boxes of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 10036. Sample Nos. 14453-F, 14454-F.)

On June 14, 1943, the United States attorney for the District of Arizona filed a libel against 33 boxes of prunes at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 28, 1942, by Guggenlime & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, larval excreta, webbing, and tunneling. The article was labeled in part: "Daphne Brand California * * * Prunes."

On August 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5215. Adulteration of seedless raisins. U. S. v. 67 Cases of Seedless Raisins. Default decree of condemnation and destruction. (F. D. C. No. 9988. Sample No. 31039-F.)

On June 14, 1943, the United States attorney for the Western District of Washington filed a libel against 67 25-pound cases of seedless raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 24, 1942, by the Lion Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, beetles, insect excreta, webbing, and pupa cases. The article was labeled in part: "California Raisins * * * Lion Brand Midget California Natural Thompson Seedless Raisins."

On July 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUITS

5216. Adulteration of apple pomace. U. S. v. 1,300 Bags of Apple Pomace. Consent decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 9744. Sample No. 36981-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce and, when examined, many of the bags had been torn and the product was contaminated with rodent pellets, rodent hairs, and insect fragments.

On April 1, 1943, the United States attorney for the District of Maryland filed a libel against 1,300 100-pound bags of apple pomace at Baltimore, Md., in the possession of the S. J. Van Lill Co., of Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 29 to December 1, 1942, from Orrtanna, Pa., Mt. Jackson, Va., and Peach Glen, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On May 14, 1943, the S. J. Van Lill Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The fit portion was segregated and released and the remainder was denatured.

5217. Misbranding of candied fruit. U. S. v. 783 Baskets of Candied Fruit. Default decree of condemnation. Product ordered distributed to welfare organizations. (F. D. C. No. 9857. Sample Nos. 37178-F to 37180-F, incl.)

On April 22, 1943, the United States attorney for the District of Columbia filed a libel against 783 baskets of candied fruit at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 19 to 26, 1943, by the Seminole Fruit & Preserving Co., Inc., from Miami, Fla.; and charging that it was misbranded. The article was labeled in part: "Cobbs Pure Tropical Fruit Delicacies * * * Net Wt. 1 Lb. [or "8 oz."]."

The article was alleged to be misbranded (1) in that the statements "Net Wt. 1 Lb." or "Net Wt. 8 oz." were false and misleading as applied to articles that were short of the declared weights; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. Two of the lots were alleged to be misbranded further in that their